

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GLORIA RODRIGUEZ, individually,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 1:22-cv-01251-ADA-CDB

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR FURTHER 14 DAY
EXTENSION**

(ECF No. 20)

On September 11, 2023, Plaintiff Gloria Rodriguez ("Plaintiff") filed a notice of settlement jointly executed with Defendant Ford Motor Company ("Defendant"). (ECF No. 16). In that filing, Plaintiff represented he intended to file a noticed motion for attorneys' fees and costs if the issue of fees could not be resolved by agreement among the parties. *Id.* Accordingly, the Court ordered that the parties file dispositional documents no later than October 2, 2023. (ECF No. 17).

Instead, on October 2, 2023, counsel for Plaintiff filed a declaration in which he requested an additional 45-60 days within which to file either dispositional documents or the referenced motion for attorneys' fees given that the surrender of the vehicle at issue in this action had not occurred. (ECF No. 18). The Court found good cause to grant Plaintiff's request, and ordered Plaintiff file either dispositional documents or the referenced motion for attorneys' fees no later than November 17, 2023. (ECF No. 19).

1 Instead, on November 17, 2023, counsel for Plaintiff filed another declaration in which he
2 requested an additional 14-21 days within which to file either dispositional documents or the
3 referenced motion for attorneys' fees. Counsel attests that, on the same date as his filing, he
4 provided counsel for Defendant with a "breakdown" of attorneys' fees and costs. *Id.* ¶ 9.

5 As this Court previously explained (*see* ECF No. 17), since it is clear from the pleadings
6 that the parties have settled their respective claims, the claims are subject to dismissal under Federal
7 Rule of Civil Procedure 41(a)(2) even though the parties have not yet entered a stipulated dismissal.
8 This dismissal order could issue since "literal compliance with the stipulation requirement has not
9 been required where the agreement of all parties is apparent." *Garber v. Chicago Mercantile*
10 *Exchange*, 570 F.3d 1361, 1366 (Fed. Cir. 2009) (internal citation and quotations omitted). *Accord*,
11 *Eitel v. McCool*, 782 F.2d 1470, 1472-73 (9th Cir. 1986).

12 As it appears the parties have made progress since Plaintiff's October 2 filing, the Court
13 declines to recommend dismissal at this juncture as it is apparent the parties have worked diligently
14 to reach a negotiated resolution of their claims. Accordingly, the Court will grant the parties 14
15 days to file an appropriate stipulation for dismissal – no further extensions will be granted.

16 For the foregoing reasons, IT IS HEREBY ORDERED that, no later than December 4, 2023,
17 Plaintiff shall file either dispositional documents or a motion for attorneys' fees.

18 IT IS SO ORDERED.

19 Dated: November 20, 2023

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UNITED STATES MAGISTRATE JUDGE